

Notice of Allowability

Application No.

09/780,041

Examiner

Anne-Marie Falk, Ph.D.

Applicant(s)

KLEIN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment filed 3/3/06.
2. ☒ The allowed claim(s) is/are 23,27,28 and 33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Anne-Marie Falk
ANNE-MARIE FALK, PH.D.
PRIMARY EXAMINER

DETAILED ACTION

The amendment filed March 3, 2006 has been entered. Claims 31 and 33 have been amended. Claim 30 has been cancelled.

Accordingly, Claims 23, 27, 28, 31, and 33 are pending.

The rejection of Claim 30 under 35 U.S.C. 112, first paragraph, for lack of enablement, is withdrawn in view of the cancellation of this claim.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Timothy H. Van Dyke on March 27, 2006.

The application has been amended as follows:

In the Claims:

Claim 31 has been cancelled.

23. A method for producing a model for neurofibrillary pathology which comprises somatically transferring a viral vector comprising a gene encoding an aberrant form of a human tau protein comprising the P301L mutation associated with fronto-temporal dementia with Parkinson's linked to chromosome 17 (FTDP-17) ~~FTDP-17~~ into brain tissue of a living rat or mouse under conditions which result in the expression of said gene; wherein expression of said gene results in a neurofibrillary pathology in said living rat or mouse comprising at least one characteristic selected from the group consisting of abnormal accumulation of tau in neuronal cell bodies and dendrites, presence of filaments

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immunoreactive for hyperphosphorylated tau, neuritic immunoreactivity with anti-neurofibrillary tangle antibody, and increase of reactive astrogliosis.

27. The method of claim 23, wherein said somatically transferring comprises injecting said viral vector gene into pre-selected areas of the brain of said living rat or mouse.

33. A method for inducing behavioral changes in a living rat or mouse which comprises somatically transferring an adeno-associated viral vector comprising a gene encoding an aberrant form of human tau protein comprising the P301L mutation associated with FTDP-17 directly into nigrostriatal neurons, septalhippocampal neurons, or both, in the brain of said living rat or mouse, wherein said somatically transferring said viral vector ~~a gene~~ reduces memory in said living rat or mouse ~~and wherein somatically transferring is achieved by using an adeno-associated viral vector.~~

Conclusion

Upon entry of the above amendment, Claims 23, 27, 28, and 33 are allowable.

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information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne-Marie Falk whose telephone number is (571) 272-0728. The examiner can normally be reached Monday through Thursday from 10:00 AM to 8:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on (571) 272-0735. The central official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Anne-Marie Falk, Ph.D.


ANNE-MARIE FALK, PH.D
PRIMARY EXAMINER